

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR**

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 23040 of 2003

Between:

M/s.Ansar Group of Companies,

Rep. by its Managing Director, Mohd.Ahmed Ansari,
S/o.Late Mohd.Farooq Ansari,

having its Office at 12-2-825, Ansar Complex,
Mehdipatnam, Hyderabad.

..... PETITIONER

AND

1 Government of India, rep. by Principal Secretary,

Finance and Planning, New Delhi.

2 Reserve Bank of India, Rep. by the General Manager,

Hyderabad.

3 State Bank of Hyderabad, Puranapul Branch, Hyderabad,

rep. by its Authorised Officer cum Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction particularly one in the nature of Writ of mandamus declaring Section 11, 12 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as illegal, effecting the fundamental rights of the parties by delcaring the initiation or proceedings by issuance of notice

Under Section 13 (2) of the above act dated 21-10-2003 as published in Deccan Chronicle by the 3rd respondent as illegal and arbitrary.

For the Petitioner :MR.K.K.WAGHRAY, Advocate.

For the Respondent No.1 :MR.A.RAJASHEKAR REDDY (SC FOR CG)

For the Respondent No.3: Mr. K.V.Simhadri, Advocate.

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated

8th April, 2004 (*MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

DEVINDER GUPTA, CJ

G. ROHINI, J.

To

1 The Principal Secretary,

Finance and Planning,

Government of India, New Delhi.

2 The General Manager,

Reserve Bank of India,

Hyderabad.

3 The Authorised Officer cum Manager,

State Bank of Hyderabad,

Puranapul Branch, Hyderabad,

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